



# Reexamining the Role of the Guard and Reserves in Support to Civil Authorities

## *Maximizing Access to Service Reserve Elements*

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Since the terrorist attacks of September 11, 2001, the Center for Strategic Leadership at the United States Army War College has conducted an annual *Reserve Component Symposium* dedicated to examining issues regarding the role of the Armed Services' Reserve Components<sup>1</sup> in homeland defense and civil support. That trend continued in this year's forum, held 28 & 29 May 2008 at the War College's Center for Strategic Leadership. Much of the symposium's discussion centered on two recent research reports: the congressionally mandated *Commission on the National Guard and Reserves*<sup>2</sup> and the Phase III Report of the Center for Strategic and International Studies' *Beyond Goldwater-Nichols* series, *The Future of the National Guard and Reserves*.<sup>3</sup> Discussion was also guided by the new authorities and accompanying responsibilities contained in the National Defense Authorization Act of 2008 (NDAA 08), *Homeland Security Presidential Directive 8 (National Preparedness)*, and the new *National Strategy for Homeland Security*. Building on the foundation of these documents, symposium participants sought more effective means to provide Reserve Component support to civil authorities in times of domestic crises.

### SYMPOSIUM CONTENT AND METHODOLOGY

The symposium's approach was straightforward. After brief welcoming and introductory remarks participants divided into four Work Groups (WG), each specifically focused on one aspect of the broader issue.<sup>4</sup> This document focuses on the insights from Work Group#4 regarding interactions of the Armed Services' Reserves with other organizations involved in domestic incident response.

### WORK GROUP#4 INSIGHTS: *IMPORTANT "FACTS"*

The United States Armed Services' Reserve Components include the Army National Guard (ARNG), the Air National Guard (ANG), the Army Reserve (USAR), the Air Force Reserve (USAFR), the Navy Reserve (USNR), the Marine Corps Reserve (USMCR), and the Coast Guard Reserve (USCGR).<sup>5</sup> However, other Work Groups were responsible for examining National Guard issues in detail; therefore—while never forgetting the ARNG or ANG—the focus of WG#4 was principally on the latter five components.

With respect to "other organizations involved with domestic incident response," the Department of Defense (DOD) currently coordinates with more than 30 agencies of the federal government.<sup>6</sup> Once state, commonwealth, territorial, tribal, municipal and other local government agencies—as well as private non-profit and for-profit organizations—are included, the potential number and diversity of actors becomes incalculably large. This does not in any way justify a failure to attempt and wherever possible to accomplish prior coordination and preparations, but it does mean that DOD officials involved with domestic incident response should not presume that all the players at the time of the incident will have been part of any pre-incident plan or process.

1. U.S. Army and Air National Guards and the United States Army, Navy, Air Force, and Coast Guard Reserves
2. The *Commission on the National Guard and Reserves, Transforming the National Guard and Reserves into a 21st Century Operational Force* identifies the reserve component as the Defense Department's key asset in "homeland operations," and calls for new legislative initiatives to make civil support a "statutory responsibility."
3. Christine Wormuth, et al., *The Future of National Guard and Reserves: The Beyond Goldwater-Nichols Phase II Report* (Washington, D.C., Center for Strategic and International Studies, July 2006). Significant attention is devoted to the role of the reserve component in homeland defense and civil support.
4. The CSL Issue Papers addressing the efforts of the first three WGs can be found at <http://www.carlisle.army.mil/usacsl/IPapers.asp>.
5. Acronyms per Joint Pub 1-02. The Army National Guard is actually "the Army National Guard of the United States (ARNGUS)," but the more usual convention is the shortened form ARNG. Similarly, the Air National Guard is actually the Air National Guard of the United States (ANGUS), but also shortened to ANG. For the Marines, USMCR is the official DOD acronym; however the Marine Corps frequently uses MARFORRES.
6. E.g.: DHS, FEMA, USSS, TSA, CBP, EPA, DOJ, FBI, OJP, ATF, CDC, USFS, APHIS, DVA, OSHA, MSHA, NTSB, FAA, BIA, BLM, F&WS, USGS, NPS, NIFC, National Labs, etc.

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Coordination and planning is further complicated by the fact that each of the 46 states, four commonwealths,<sup>7</sup> five territories,<sup>8</sup> and the District of Columbia has its own individual government organization and associated processes. Fortunately, however, this fact is ameliorated somewhat by the generally common adoption of an emergency management system built upon the principles and precepts of the National Response Framework (NRF) and the National Incident Management System (NIMS).

Emergency response planners and executors should remember that in addition to the active military organizations and Armed Service Reserve forces potentially available within individual state, commonwealth, territory and district (SCT&D) borders, other various auxiliaries (such as the Coast Guard auxiliary or the Civil Air Patrol) also can be significant contributors to domestic responses. In addition, some SCT&D also have various “home guard” elements which should not be overlooked. Depending upon the SCT&D, these “state guard” and/or land/naval “militia” units may include reasonably significant response capabilities.

Finally, despite some recent refinements, current federal law continues to limit any involuntary mobilization of USAR, USNR, USAFR, and USMCR capabilities for Defense Support to Civil Authorities (DSCA) purposes.<sup>9</sup> Hence DSCA remains a realm largely of the ARNG, the ANG, and the active military. Exceptions are for weapons of mass destruction or terrorist attacks threatening significant loss of life or property,<sup>10</sup> or for those rare situations of insurrection or domestic violence wherein “the constituted authorities of the State or possession are incapable of maintaining public order.”<sup>11</sup>

## FINDINGS<sup>12</sup>

The NIMS and the NRF provide an adequate foundation for planning, coordinating, and implementing intergovernmental response to domestic incidents. DOD elements—both active and reserve—will normally operate in a “direct support” (most likely) or “general support” (less likely) role rather than being “lead” organizations. All DOD personnel, but particularly leaders and planners, should become familiar with and thoroughly understand both the NRF and NIMS.

As a related matter, DOD should sponsor and support a broad series of Joint, interagency, and intergovernmental (JII) exercises incorporating NRF/NIMS activities and coordination. Any disconnects or failures to properly comply with or implement NIMS discovered during these exercises should be dealt with through further education and training of JII personnel regarding NRF/NIMS concepts and processes, rather than via any development and implementation of DOD-specific modifications or ‘work-arounds.’

Although NDAA 08 specifically requires DOD to plan and budget for DSCA, compliance will require further detailed planning guidance as well as considerable enabling planning by SCT&D and other federal agencies for DOD. Thus, the best that can be expected in the short term will be very much “ball-park” estimates; refined requirements and the associated budget estimates will take many years.

Other significant DSCA-related issues for the Service Reserves’ relationship to other components of domestic crisis response fall into three general categories: Access to Reserve capabilities, Requirements Identification, and Education & Training.

## ACCESS TO SERVICE RESERVE CAPABILITIES

- The problem with the current mechanism to request DOD RC capabilities for DSCA is not that it is difficult for either the Service Reserves or the other responders to understand, but rather that during execution it tends to be much too cumbersome, frequently precluding timely responses. Accordingly, efforts to improve access must focus on streamlining processes rather than simply increased education about the current process.
- To improve both the availability and rapidity of Reserve capabilities, both the ‘duty status’ and pay systems for mobilized reservists will need to be significantly reformed. Many WG members argued for a ‘one-color’ active duty status or adoption of a ‘Title-14-like’ authority for the DOD elements to reduce complexity and streamline access to both individual reservists and Reserve unit capabilities. However, others cautioned that any such reforms must consider/account for a multitude of related issues (e.g., duration of mobilization, frequency of mobilizations, availability of benefits, 2d/3d order effects on recruiting and retention, etc.)
- There is a need to improve identification, visibility, and utilization of unique capabilities available within the Service Reserves, both as units and as individuals.
  - For the latter, one suggested approach was the creation of DSCA-related Individual Skill Identifiers.
  - Improved visibility of the geographic distribution of Service Reserves’ specific capabilities would facilitate SCTDs’ NG and emergency service organizations creation of DSCA-related MOAs with appropriate RC elements.

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7. Massachusetts, Pennsylvania, Virginia, and Kentucky.

8. American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

9. 10 US Code 12304c

10. 10 US Code 12304b

11. 10 US Code 15333a

12. A majority of group members supported each of the findings and insights which follow, but readers should not assume that this consensus meant there were not occasionally differing strongly held minority opinions.

- The Service Reserve liaison billets within the NGB, currently informal and unstructured, have significant value. They should be formally incorporated and documented within joint doctrine and the joint manning system.
- There *may* be a need to develop specific metrics to assess unit DSCA preparedness separate from warfighting readiness.<sup>13</sup>
- The DSCA planning and execution system must include a capability to quickly identify 2<sup>nd</sup> & 3<sup>rd</sup> level substitutions for Low Density/High Demand capabilities.<sup>14</sup>
- The DoD needs to further evaluate the potential negative impacts of activating Reservists (and also NG personnel) that otherwise provide emergency response capabilities as civilians, and develop systemic mitigation options. Some suggested possibilities included deferring whole unit activations, activating units minus those individuals and accepting lesser unit capabilities, activating units less those individuals and filling with IRR substitutions, etc.
- Throughout the dialogue WG members consistently and continuously reminded each other that fundamental to access to any Reserve capabilities is the ability to successfully recruit and retain the individual reservists themselves. Accordingly, if there is any intention to increase the operational tempo of RC employment, even for DSCA, there will likely be a need for DoD to:
  - “Sponsor” legislation to reward employers (e.g., tax credits, etc.) for hiring/retaining Reservists, thereby reducing the potential anxiety extant RC members may feel regarding continued civilian employability
  - Assess, and as appropriate improve, support resources for families of Reservists
  - Re-evaluate and most likely improve RC benefits

## REQUIREMENTS IDENTIFICATION

- The determination of the ‘true’ DOD/Service Reserve requirement related to DSCA can be determined only after local, SCT&D, and interagency partner capabilities are known and have been applied against a postulated/calculated total requirement because other than during initial “immediate response life-saving” the DOD and its Reserve assets will always be in a support role during almost all domestic scenarios. In regard to this, the WG members felt:
  - There is an immediate need for a comprehensive and compatible information sharing system both within SCT&D and across FEMA regions to provide visibility of resources / requirements.
  - There is a need to accomplish multiple capabilities-based assessments across the breadth and depth of the potential DSCA missions related to the national planning scenarios, so that existing ‘gaps’ in prevention, protection, and response planning and resourcing can be accurately identified. WG members understood that a variety of such assessments already are underway by various SCT&D and federal agencies, but warn that each individually and the total collectively will take significant time and resources – and therefore both senior leader patience and commitment -- to complete.
  - Modeling of various scenarios is frequently useful to help identify specific functional requirements; such efforts may need to be expanded.
- Full identification of mission requirements, and any associated constraints and restraints, is actually unlikely because despite best efforts of those involved some human, functional, and cultural “firewalls” to information sharing will not be fully overcome; ; therefore flexibility of response system(s) will always be required.
- Policy areas related to potential requirements deserving quick attention include:
  - Authorities to transport civilians on military aircraft. This is a problem with respect to both assisting victims and providing for movement of responders, as shown during recent DSCA activities related to Hurricanes Katrina and Rita, mid-west flooding, and multiple wild fires.
  - Sustainable guidance on appropriately ‘balancing’ HLD/DSCA and ‘expeditionary’ missions, structures, readiness, and priorities; needed both for DOD as a whole and for the Service Reserves in particular.

## EDUCATION AND TRAINING

- The DOD should develop and provide DSCA training modules for Service Reserves (by rank, position, and/or specialty).
- There is a need to increase quotas and funding for:
  - Federal/SCT&D/Local civilian officials to participate in Reserve HLD/DSCA-related exercises and conferences.
  - Reservists to participate in other organizations’ DSCA-related exercises and conferences.

13. There was disagreement within the group regarding the degree to which existing “wartime” readiness criteria was a valid basis for judging preparedness for domestic responses. In the time available to the group these differences couldn’t be resolved, and so the consensus was that a DSCA-metric “may” be needed.

14. Although the WG was focused on the RC and DSCA, most would probably agree that a similar requirement exists across all DoD components and missions.

- The DoD should support, and if necessary lead, an effort to evaluate and improve technical and non-technical interoperability (e.g., lexicon and language).
- The earliest possible identification of Reserve elements with potential or likely to participate in incident responses, whether accomplished during prior planning stages or even if only during initial execution of response, would aid in conduct of immediate pre-deployment training. This is particularly vital in those circumstances when other agencies must provide either equipment or trainers.
- Although the WG emphasized the greater need for a process reform rather than an educational approach when seeking to improve the contribution of the Service Reserves to domestic response, they nonetheless identified the recent Executive Order (#13434) authorizing formation of a “National Security Professional” community as one area where specific educational involvement would be appropriate. In particular, members felt that the DOD needs to participate in the creation of the associated strategy to develop Security Professionals—and that a part of that strategy should include expanded DSCA-related education at all DOD Service/Senior Level Colleges.

As Work Group members identified, explored, and interacted over these issues, they continuously reminded one another that the most significant asset of the Service Reserves was the individual Soldier, Sailor, Marine, Coastie or Airman. Accordingly, whatever was to be done with respect to processes, organizations, or doctrine must be done in such a way as not to damage the bonds that motivate American citizens to volunteer their service as part of the Reserve Components.

## CONCLUSION

This short Issue Paper does not do justice to the breadth and depth of dialogue by the participants over the two days’ discussion. Certainly WG#4 , and the Symposium as a whole, helped produce a better understanding for all participants of the current state of affairs and of the challenges and opportunities inherent in the complex, somewhat untidy world of domestic crisis planning and response. It was apparent that much more progress has already been made in pursuing integrated and responsive Reserve Component action in homeland defense and support to civil authorities than many may have realized. For that those responsible deserve credit. It was equally apparent, of course, that much remains that can and should be done.

None of the issues regarding Service Reserves involvement in planning for and executing domestic disaster and catastrophic response will simply go away, nor will they ‘fix’ themselves. While there were a few issues identified by WG #4 that may require legislative action to fully resolve, a majority of the issues would seem to be within the purview of DOD and the Joint, interagency, intergovernmental community to address. Thus the way ahead should include DOD, USNORTHCOM, the various Reserve Components, and/or the DHS sponsoring timely follow-up seminars which have as their purpose to identify and explore in detail specific policy, process, organizational and/or selected material options related to the symposium’s findings and insights.

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